



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,420	11/16/2001	Anthony Cake	455610-2490	8576

20999 7590 06/17/2004
FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

BLACKMAN, ANTHONY J

ART UNIT	PAPER NUMBER
----------	--------------

2676

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,420

Applicant(s)

CAKE ET AL.

Examiner

ANTHONY J BLACKMAN

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 45-52 is/are pending in the application.
- 4a) Of the above claim(s) 22-44 and 53-77 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-21 and 45-52 is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by ZINK et al, US Patent No. 6,738,964.

3. As per claim 1, examiner interprets ZINK et al to disclose A method for generating a graphical representation of a processing web/(internet and networks processings) of an instrument (figure 9 and column 8, line 38-column 9, line 9), comprising the steps of:

determining a first processing element of said processing web (figure 9, element 1001 is the first of many "connective blocks" and column 8, line 38-column 9, line 9); placing said first processing element in a particular location based at least in part upon its location in said processing web and various inputs to and outputs from said first processing element (this feature is inherent in the disclosed graphical solutions development system of figure 5, figure 9 and column 8, line 38-column 9, line 9);determining a second processing element of said processing web(figure 9, element 1001 is the first of many "connective blocks", followed by

Art Unit: 2676

1102 and figures 8c and 8d elements and column 8, line 38-column 9, line 9); placing said second processing element in a particular location based at least in part upon its location in said processing web(placement is inherent as with figure 9, element 1001 and 1002 and so on-column 8, line 38-column 9, line 9), various inputs to and outputs from said second processing element (column 8, line 38-column 9, line 9, including figure 8a that shows various inputs and outputs) , and a relationship between said second processing element and said first processing element (figure 9, elements 1001 and 1002 represent "connective blocks", column 8, line 38-column 9, line 9); and connecting at least one pin of said first processing element to one pin of said second processing element (this feature is inherent between elements 1001 and 1002 and supported by figures 8a-8d).

4. As per claim 2, ZINK et al meet limitations of claim 1, including, wherein said connecting step connects an output pin of said first element to an input pin of said second element (this feature is inherent between elements 1001 and 1002 and supported by figures 8a-8d).

5. As per claim 3, ZINK et al meet limitations of claim 2, including, wherein said connecting step generates a line in said graphical representation between said output pin of said first element to said output pin of said second element (column 8, lines 25-37-the lines are representative of the connecting wires between inputs and outputs).

6. As per claim 4, ZINK et al meet limitations of claim 3, including, wherein said line is drawn including one of a plurality of designations based upon a type

Art Unit: 2676

of data being carried thereon (column 8, lines 25-37-the lines are representative of the connecting wires between inputs and outputs).

7. As per claim 5, ZINK et al meet limitations of claim 4, including, wherein said plurality of designations are colors (column 8, lines 25-37-the lines are representative of the connecting wires between inputs and outputs).

8. As per claim 6, ZINK et al meet limitations of claim 1, including, wherein said at least one pin of said first processing element and said at least one pin of said second processing element are coded based upon a type of data to output therefrom, or received thereby, respectively (column 8, lines 25-37-the lines are representative of the connecting wires between inputs and outputs).

9. As per claim 7, ZINK et al meet limitations of claim 6, including, wherein said coding is by color (column 8, lines 25-37-the lines are representative of the connecting wires between inputs and outputs).

10. As per claim 8, ZINK et al meet limitations of claim 6, including, wherein said coding is by symbol (column 8, lines 25-37-the lines are representative of the connecting wires between inputs and outputs).

11. As per claim 9, ZINK et al meet limitations of claim 6, including, wherein said coding is by graphical designation (column 8, lines 25-37-the lines are representative of the connecting wires between inputs and outputs).

12. As per claim 10, ZINK et al meet limitations of claim 1, including, wherein said first processing element is updated at a faster rate and said second processing element is updated at a slower rate.

Art Unit: 2676

13. As per claim 11, ZINK et al meet limitations of claim 10, including, wherein said update said first processing element and update of said second processing element are synchronized (it is inherent that element 1001 is updated faster than element 1002 in figure 8).

14. As per claim 12, ZINK et al meet limitations of claim 10, including, wherein said update of said first and second processors is controlled by an update processing element (the update processing element 1001 of figure 8).

15. As per claim 13, ZINK et al meet limitations of claim 1, including, wherein a viewing object may be placed at any location on the graphical representation to see a current, live output at that location (figure 8, element 908 and figure 5, element 508 and column 6, lines 50-53)

Allowable Subject Matter

16. The following is an examiner's statement of reasons for allowance for independent claims 14 and 45 along with their dependent claims:

none of the searched prior art, including ZINK et al, the primary reference rejecting claims 1-13, expressly teach or suggest the underlined feature/claim limitation;

"A method for generating a graphical representation of a processing web of an instrument, connecting said first processing element to second processing element indicating a flow of data therebetween;

wherein said first processing element is a waveform acquisition processing; and

Art Unit: 2676

wherein said second processing element is a display processing element". ZINK et al only teach "A method for generating a graphical representation of a processing web of an instrument, connecting said first processing element to second processing element indicating a flow of data therebetween; wherein said first processing element is a waveform acquisition processing, however, even though claim 13 is anticipated by figure 8d, element 908 which is supported by figure 5, element 508 and further supported by Table 1 that provides definitions for "...terms and constructs..." "...in the graphical solutions development environment", ZINK et al does not teach or suggest the underlined feature. Therefore, claims 14-21 and 45-52 meet necessary conditions for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY J BLACKMAN whose telephone number is 703-305-0833. The examiner can normally be reached Monday-Friday on an eight-hour FLEX SCHEDULE.

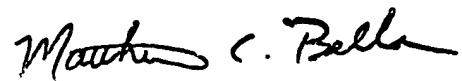
Art Unit: 2676

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 703-308-6829. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANTHONY J BLACKMAN
Examiner
Art Unit 2676



MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600